

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Case No. 19-MJ-654 (HB)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	ORDER OF DETENTION
)	
VICTOR MANUEL QUIJADA,)	
)	
Defendant.)	

This matter came before the Court for a detention hearing on October 15, 2019. The defendant, Victor Manuel Quijada, was present and represented by Kevin M. O'Brien, Esq. The United States was represented by Assistant United States Attorney Thomas M. Hollenhorst. For the reasons stated below, the Court grants the government's motion for detention.

FINDINGS OF FACT

1. On October 10, 2019, the defendant was charged in a Criminal Complaint with distribution of 50 grams or more of actual methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A). ECF 1. This is a Controlled Substance Act offense which carries a maximum term of life imprisonment. *See* 21 U.S.C. § 841(b)(1)(A).
2. The pretrial service report reflects that the defendant has a serious criminal record, which includes a prior conviction for second-degree murder.
3. The defendant did not present any evidence to rebut the presumption of detention and waived the detention hearing.

CONCLUSIONS OF LAW

1. Because the defendant is charged with an offense under the Controlled Substances Act which carries a maximum term of imprisonment of 10 years or more, this creates a rebuttable presumption that no condition or combination of conditions will reasonably ensure the defendant's appearance in court and the safety of the community. *See* 18 U.S.C. § 3142(e)(3).

2. After consideration of the Criminal Complaint, the Pretrial Service Report, the presumption of detention, the factors under 18 U.S.C. § 3142(g), and the defendant's waiver of the detention hearing, the Court concludes by a preponderance of the evidence that no condition or combination of conditions of release would reasonably assure the defendant's appearance at further Court proceedings; and by clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community if the defendant is released pending trial. For the foregoing reasons, IT IS HEREBY ORDERED that:

1. The motion of the United States for detention is granted;
2. The defendant is committed to the custody of the Attorney General;
3. The defendant shall be afforded reasonable opportunity to consult privately with counsel; and
4. Upon Order of the Court or request by the United States Attorney, the person in charge of the corrections facility in which the defendant is confined shall deliver the

defendant to the United States Marshal for the purpose of appearance in connection with further court proceedings.

Dated: October 15, 2019.

s/Tony N. Leung
Tony N. Leung
United States Magistrate Judge